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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, MAY 18, 2000

APPLICATION OF

SOUTHSIDE ELECTRIC COOPERATIVE, INC. CASE NO. PUE000179

For clarification of its certificated
area or, in the alternative, a
reclassification and certification
of a previous service area
pursuant to § 56-265.1
et seq. of the Code of Virginia

AMENDED PROCEDURAL ORDER

On April 3, 2000, Southside Electric Cooperative ("Southside" or "the Cooperative") filed an application with the State Corporation Commission ("Commission") seeking clarification of the Cooperative's certificated service areas, or in the alternative, the reclassification and certification of areas it previously served in the territory constituting Fort Pickett. On April 18, 2000, the Town of Blackstone ("the Town" or "Blackstone"), by counsel, filed a Notice of Protest, wherein, among other things, the Town advised the Commission of its intent to fully participate as a Protestant in this proceeding.

On April 26, 2000, the Commission entered its Order for Notice and Hearing, thereby establishing a procedural schedule for the Cooperative, the Town, Protestants, Staff and public

witnesses. This Order scheduled a public hearing before the Commission for July 25, 2000.

On May 11, 2000, the Southside, by counsel, filed a Motion for Continuance, wherein it was noted that one of the counsel for the Cooperative had a scheduling conflict with the July 25, 2000, hearing date. Southside maintained that it would not object to rescheduling the hearing to the week of July 17, 2000, or September 2000. It maintained that no one would be prejudiced if the proceeding was continued.

On May 17, 2000, the Cooperative, by counsel, amended its request for continuance, representing that counsel for Blackstone did not object to moving the hearing to September 2000, so long as September 8 and 15 were not used for the hearing date. The Cooperative and Blackstone jointly requested that the entire scheduling order be revised, based upon the new hearing date selected by the Commission.

NOW, UPON CONSIDERATION of the Cooperative's Amended Motion for Continuance, the Commission is of the opinion and finds that good cause has been shown for continuing this matter; that the amended motion should be granted; that the July 25 hearing date should be retained for the purpose of receiving the testimony of public witnesses; that the directives regarding discovery should remain in effect as set out in Ordering Paragraph (16) of the April 26, 2000, Order; that all other provisions of the

April 26, 2000, Order should remain in effect, except as revised below; and that the procedural schedule set out in the April 26, 2000, Order for Notice and Hearing should be revised as provided below.

Accordingly, IT IS ORDERED THAT:

(1) The public hearing before the Commission scheduled for July 25, 2000, at 10:00 a.m. shall be retained for the purpose of receiving the testimony of public witnesses. The public hearing shall be reconvened on September 6, 2000, at 10:00 a.m., in the Commission's second floor courtroom located in the Tyler Building, 1300 East Main Street, Richmond, Virginia for the purpose of receiving further evidence relevant to the Cooperative's application.

(2) On or before June 30, 2000, the Cooperative shall file with the Clerk of the Commission an original and fifteen (15) copies of a detailed legal memorandum, that, at a minimum, shall address: (i) the legal description of the property Southside now asks the Commission to find should be reinstated as part of the Cooperative's service territory; (ii) all of the pertinent legal authority supporting the relief which the Cooperative seeks in its application; and (iii) all pertinent legal authority supporting the Commission's jurisdiction to grant such relief in this matter. On or before June 30, 2000, the

Cooperative shall also serve a copy of its memorandum on the Commission Staff, the Town, and any other parties of record.

(3) On or before June 30, 2000, the Cooperative shall file with the Clerk of the Commission an original and fifteen (15) copies of any direct testimony and exhibits it intends to present in support of the captioned application and the relief requested therein and shall serve a copy of the same upon the Commission Staff, the Town, and any other parties of record.

(4) Copies of Southside's application and accompanying documents shall be made available for public inspection in the Commission's Document Control Center located on the first floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia, between the hours of 8:15 a.m. and 5:00 p.m., or can be ordered from counsel for the Cooperative John M. Boswell, Esquire, Boswell & Williamson, P.O. Box 45, Crewe, Virginia 23930.

(5) Within five (5) days of receipt of a written request for a copy of the Cooperative's application, accompanying materials, the Order Requiring Notice and Comment, and the Amended Procedural Order, Southside shall serve upon each person making such a request, copies of these documents.

(6) On or before July 25, 2000, the Town shall file with the Clerk of the Commission an original and fifteen (15) copies of a detailed legal memorandum, that shall address the relief

sought by the Cooperative and the relief requested by Blackstone, the Town's authority to serve the areas in the Enclave Area and the Excess Area, a legal description of the areas the Town wishes to serve, together with any pertinent legal authority addressing the Commission's jurisdiction to grant the relief Blackstone requests in this matter. On or before July 25, 2000, the Town shall serve a copy of its legal memorandum on counsel for Southside, the Commission Staff, and any other parties of record.

(7) On or before July 25, 2000, Blackstone shall file with the Clerk of the Commission an original and fifteen (15) copies of a protest and any direct testimony and exhibits the Town intends to present concerning Southside's application and in support of the assertions made in its notice of protest. On or before July 25, 2000, the Town shall serve a copy of its protest and direct testimony on counsel for Southside, the Commission Staff, and any other parties of record.

(8) On or before July 14, 2000, any person desiring to participate as a protestant, as defined in Rule 4:6, 5 VAC 5-10-180, of the Commission's Rules of Practice and Procedure ("Rules"), shall file with the Clerk of the Commission an original and fifteen (15) copies of a notice of protest, as provided in Rule 5:16(a), 5 VAC 5-10-420 (B), and shall on the same date serve a copy of said notice on counsel to Southside

John M. Boswell, Esquire, Boswell & Williamson, P.O. Box 45,
Crewe, Virginia 23930.

(9) Within five (5) days of receipt of a notice of protest, Southside shall serve upon each person filing a notice of protest a copy of this Order, a copy of the Order for Notice and Hearing, and a copy of the application and all materials accompanying the application.

(10) On or before July 25, 2000, any interested party desiring to participate as a protestant, as defined in Rule 4:6, 5 VAC 5-10-180, of the Rules, shall file with the Clerk of the Commission an original and fifteen (15) copies of a protest, as required by Rule 5:16(b), 5 VAC 5-10-420(C), a legal brief addressing the relief the protestant requests in this matter and the Commission's jurisdiction to grant that relief, together with an original and fifteen (15) copies of the testimony and exhibits the party intends to offer in support of the protest. On or before July 25, 2000, the protestant shall serve one (1) copy each of the protest, brief, testimony, and exhibits on counsel for the Cooperative at the address identified in ordering Paragraph (8) herein and on all other parties and the Commission staff.

(11) The Commission Staff shall investigate the Cooperative's application and, on or before August 8, 2000, file with the Clerk of the Commission an original and fifteen (15)

copies of a report detailing its investigation which may take the form of testimony and shall serve one (1) copy of its report or testimony on each party of record.

(12) On or before August 21, 2000, Southside shall file with the Clerk of the Commission an original and fifteen (15) copies of any rebuttal testimony and exhibits that it intends to offer in response to the testimony and exhibits previously filed and shall serve one (1) copy of the same on each party and the Staff. Service of said Rebuttal testimony in each party and the Commission Staff shall be made on or before August 21, 2000.

(13) On or before May 31, 2000, Southside shall serve a copy of this Order on the Chairman of the Board of Supervisors of any county and upon the Mayor or Manager of any county, city or town (or equivalent officials in counties, towns, and cities hearing alternate forms of government), within Southside's service area and the area surrounding Fort Pickett. Service shall be made by first-class mail or delivery to the customary place of business or residence of the person served.

(14) Southside shall provide the Commission with proof of the newspaper publication and proof of service required by Ordering Paragraphs (17) and (18) of the April 26, 2000, Order for Notice and Hearing as well as the service on public officials required by Ordering Paragraph (13) of this Order at the public hearing now scheduled for July 25, 2000.